

United States District Court
Central District of California

MITSUI SUMITOMO INSURANCE
USA, INC.; MITSUI SUMITOMO
INSURANCE COMPANY OF
AMERICA,

Plaintiffs,

v.

KYOCERA MITA CORPORATION;
KYOCERA DOCUMENT SOLUTIONS,
INC.; KYOCERA DOCUMENT
TECHNOLOGY CO., LTD.;
SHINDENGEN ELECTRIC
MANUFACTURING COMPANY, LTD.;
and DOES 1-40, inclusive,
Defendants.

Case No. 2:15-cv-01860-ODW-FFM

**ORDER DEFERRING MOTIONS TO
DISMISS [7, 12] AND GRANTING
JURISDICTIONAL DISCOVERY**

Presently before the Court are separate Motions to Dismiss Plaintiffs' Complaint for lack of personal jurisdiction under Rule 12(b)(2) by Defendants Kyocera Document Solutions, Inc. ("KDS") and Kyocera Document Technology Co., Ltd. ("KDT" and collectively "Defendants"). (ECF Nos. 7, 12.) The Motions are fully briefed. Having considered the parties' submissions, the Court elects to defer ruling on these two Motions pending the completion of limited jurisdictional discovery.¹

¹ This Order has no effect on the Motion to Dismiss filed by Defendant Shindengen Electric Manufacturing Company, Ltd. (ECF No. 18.)

1 In circumstances “where pertinent facts bearing on the question of jurisdiction
2 are controverted or where a more satisfactory showing of the facts is necessary” to
3 make a fully-informed decision on the issue of personal jurisdiction, a court may grant
4 jurisdictional discovery. *Borschetto v. Hansing*, 539 F.3d 1011, 1020 (9th Cir. 2008).
5 Without this discovery, the court lacks sufficient information to make an informed
6 decision on personal jurisdiction. *See Seedman v. Cochlear Ams.* No. SACV 15-
7 00366 JVS (JCGx), 2015 WL 4768239, at *6 (C.D. Cal. Aug. 10, 2015) (noting that
8 limited jurisdictional discovery “could establish specific jurisdiction”).

9 The parties raise strong arguments in support of their positions on the question
10 whether the Court may exercise personal jurisdiction over KDS and KDT. The Court
11 concludes, however, that the factual record is not sufficiently developed to properly
12 decide the issue. It appears that Plaintiffs are limited to KDS’ publicly-available
13 website to make their arguments in support of personal jurisdiction. (*See, e.g.*, KDS
14 Opp’n 4–5.) Similarly, the primary documents cited by Plaintiffs to support the
15 exercise of personal jurisdiction over KDT are Operation Guides for the copier at
16 issue. (*See* KDT Opp’n 9–10.) This documentation provides insufficient information
17 regarding the connections between KDS and California and KDT and California. The
18 Court finds that limited jurisdictional discovery could yield additional facts about
19 Defendants’ relationship with California that may be conclusive as to issues of
20 personal jurisdiction.

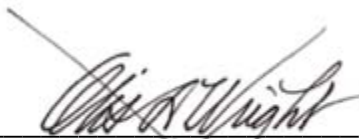
21 The Court disagrees with KDS and KDT that discovery must be limited to
22 evidence in possession of Kyocera Document Solutions America, Inc. (“Kyocera
23 America”). KDT argues that it has “no ownership interest in Kyocera America” and
24 that it is best described as a “half-brother” to Kyocera America. (KDT Mot. 3.) KDT
25 then claims that “Plaintiffs have not identified any information they need to establish
26 personal jurisdiction over [KDT] that cannot be obtained from Kyocera America.”
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1 (KDT Reply 10.) KDS makes similar contradictory arguments in its papers. (*See*
2 KDS Mot. 7; KDS Reply 9.) It seems that Defendants want to have their cake and eat
3 it, too, by simultaneously having very little connection to Kyocera America but
4 somehow possessing no additional applicable information than that in possession of
5 Kyocera America.

6 Accordingly, the Court **GRANTS** Plaintiffs' request to conduct limited
7 jurisdictional discovery as to Defendants KDS and KDT. Discovery shall be limited
8 to information directly relevant to the extent of KDS' and KDT's contacts with
9 California and the nature of their relationships with Kyocera America. Plaintiffs shall
10 file one supplemental brief as to both KDS and KDT by **November 8, 2015**. KDS
11 and KDT may file a joint response by **November 16, 2015**. Each brief shall **not**
12 **exceed 10 pages**. The Court will issue a ruling on KDS' and KTD's Motions to
13 Dismiss thereafter.

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15 **IT IS SO ORDERED.**

16
17 September 25, 2015

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20 **OTIS D. WRIGHT, II**
21 **UNITED STATES DISTRICT JUDGE**
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